

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KARYN RISCH,

Plaintiff,

CASE NO. 06-12521

v

HON. JOHN CORBETT O'MEARA

CITY OF ROYAL OAK POLICE
DEPARTMENT,

Defendant.

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Attorney for Plaintiff
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CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.
By: **EILEEN K. HUSBAND** (P-38059)
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Attorneys for **Defendant**

**ORDER GRANTING IN PART AND DENYING IN
PART DEFENDANT'S MOTION TO DISMISS**

This matter having come before the Court on Defendant's Motion to Dismiss pursuant to F.R.C.P. 12(b)(1) and 12(c) and the Parties having appeared by and through their respective counsel, at a hearing held on said Motion on January 25, 2007.

IT IS HEREBY ORDERED: Defendant's Motion is Granted in Part and Denied in Part as follows:

1. Count II of Plaintiff's Complaint, Religious Discrimination is dismissed with prejudice.

2. Plaintiff's claims in Count I, Sex Discrimination and Count III, Retaliation, alleging failure to promote in 2002, 2003 and 2004 and any claims for discrete acts occurring 300 days before October 20, 2005, when Plaintiff filed her EEOC charge, are dismissed with prejudice.

3. Defendant's Motion to Dismiss the entire Complaint on the grounds Plaintiff named the Royal Oak Police Department rather than the City of Royal Oak is denied. Plaintiff may amend her Complaint by deleting the Royal Oak Police Department and replacing it with the City of Royal Oak.

4. Plaintiff may amend her Complaint to add a hostile work environment claim. The Amended Complaint must be filed by the close of business on Friday, April 13th, 2007.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Dated: March 20, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, March 20, 2007, by electronic or ordinary mail.

s/William Barkholz
Case Manager

Agreed as to form by:

Richard I. Lippit
Attorney for Plaintiff

Eileen K. Husband,
Attorney for Defendant